

### REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the instant response. The claims remaining in the present application are Claims 1-4, 6, 8-11, 15-17, 20, 25-27 and 29-35. Claims 1-4, 6, 8-11, 15-17, 20, 25-27 and 29-35 are rejected. Claims 1, 6, 10 and 29 are amended herein. No new matter has been added. Support for the claim amendments can be found at least at page 12, line 10 – page 14, line 13.

### CLAIM REJECTIONS – 35 U.S.C. §103(a)

#### Claims 1-4, 6, 9-11, 16, 17, 20, 26, 27, 29-33 and 35

The instant Office Action states that Claims 1-4, 6, 9-11, 16, 17, 20, 26, 27, 29-33 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman et al. (US 5,081, 678) hereinafter referenced as “Kaufman” in view of Droge (US 2002/0004898). Applicants respectfully submit that the embodiments of the present invention as recited in Claims 1-4, 6, 9-11, 16, 17, 20, 26, 27, 29-33 and 35 are patentable over Kaufman in view of Droge for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites an embodiment of the present invention (emphasis added):

A method of transmitting secured data, the method comprising:  
utilizing a first key to encrypt a payload;  
adding a header to the encrypted payload to form a data packet;  
utilizing a second key to encrypt the first key;

utilizing a third key to encrypt the data packet;  
transmitting the encrypted first key separate from the encrypted data packet to a wireline device in a first transmission from a wireless device, wherein the wireline device decrypts the encrypted first key;

transmitting the encrypted data packet over a wireless link to a gateway in a second transmission from the wireless device, wherein the gateway decrypts the encrypted data packet to recreate the encrypted payload and the header, and forwards the encrypted payload and the header to the wireline device over an open network; and

utilizing the wireline device and the first key from the first transmission to decrypt the encrypted payload.

Independent Claims 6, 10 and 29 recite similar embodiments. Claims 2-4, 9, 11, 16, 17, 20, 26, 27, 28-33 and 35 that depend from Claims 1, 6, 10 and 29, respectively, also include these embodiments. By demonstrating that Kaufman in view of Droge does not teach or suggest the features of independent Claims 1, 6, 10 and 29, it is also demonstrated that Kaufman in view of Droge does not teach or suggest the embodiments of dependant Claims 2-4, 9, 11, 16, 17, 20, 26, 27, 28-33 and 35.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(I)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why

the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)).

Moreover, Applicants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Applicants respectfully submit that Kaufman does not suggest or teach "transmitting the encrypted first key separate from the encrypted data packet," as claimed. Moreover, Applicants submit Kaufman teaches away from "transmitting the encrypted first key separate from the encrypted data packet," as claimed. Applicants understand Kaufman to disclose "[e]ach time two nodes communicate, the sending node places the receiving node's encrypted version of the shared key in the data packet transmitted" (emphasis added; col. 3, lines 23-27). In contrast, Applicants claim "transmitting the encrypted first key separate from the encrypted data packet." By disclosing "each time two nodes communicate" the encrypted shared key is placed and shared in the data packet and subsequently transmitted with the data packet, Applicants submit that Kaufman teaches away from "transmitting the encrypted first key separate from the encrypted data packet," as claimed.

Moreover, Droge does not overcome the deficiencies of Kaufman. Applicants understand Droge to teach or suggest "encrypting data a first time, packetizing the data, encrypting the data a second time and transmitting the data" (abstract). In particular, Droge does not teach or suggest "transmitting the encrypted first key separate from the encrypted data packet," as claimed.

Moreover, even if Droge were used to modify Kaufman in an attempt to remedy the above described deficiency of Kaufman, Applicants submit that such modification of Kaufman in view of Droge would significantly change the principle of operation of Kaufman from a system/method which requires incorporating the receiving node's encrypted version of the shared key in the data packet transmitted to the receiving node to a system/method where the encrypted version of the shared key and the data packet are sent as separate messages. In addition to changing Kaufman's principle of operation, Applicants submit that such a change would likely render Kaufman unsuited for some or all of Kaufman's intended purposes, such as, integrity checking of a transmitted data packet based upon the receiving node's encrypted version of the shared key being included in the transmitted data packet (see, e.g., col. 3, lines 36-33 of Kaufmann).

Applicants respectfully submit that the combination of Kaufman and Droge does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, Applicants respectfully submit that combination of Kaufman and Droge does not render obvious the claimed embodiments of the present invention as recited in independent

Claims 1, 6, 10 and 29, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit that the combination of Kaufman and Droge also does not render obvious the additional claimed features of the present invention as recited in Claims 2-4, 20 and 26 that depend from independent Claim 1, Claims 9 and 27 that depend from independent Claim 6, Claims 11, 16 and 17 that depend from independent Claim 10 and Claims 30-33 and 35 that depend from independent Claim 29. Therefore, Applicants respectfully submits that Claims 2-4, 9, 11, 16, 17, 20, 26, 27, 28-33 and 35 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 8, 15, 25 and 34

The instant Office Action states that Claims 8, 15, 25 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman in view of Droge and further in view of Minborg et al. (2007/0259655) hereinafter referenced as "Minborg." Applicants respectfully submit that the embodiments of the present invention as recited in Claims 8, 15, 25 and 34 are patentable over Kaufman in view of Droge and further in view of Minborg for at least the following rationale.

Claim 8 is dependent on independent Claim 6 and includes the features of Claim 1. Claim 15 is dependent on Claim 6 and includes the features of Claim 6. Claim 25 is dependent on Claim 1 and includes the features of Claim 1. Claim 34 is dependent on Claim 29 and includes the features of Claim 29. By demonstrating that Kaufman in view

of Droge and further in view of Minborg does not teach or suggest the features of independent Claims 1, 6, 10 and 29, it is also demonstrated that Kaufman in view of Droge and further in view of Minborg does not teach or suggest the embodiments of dependant Claims 8, 15, 25 and 34.

Applicants respectfully submit that Kaufman in view of Droge does not render unpatentable the claimed embodiments recited in the independent claims, as presented above. Moreover, Minborg does not overcome the deficiencies of Kaufman in view of Droge. Applicants understand Minborg to disclose a "method and system in which data objects including area-specific information are provided to a mobile communication device" (abstract). In particular, Minborg does not teach or suggest "transmitting the encrypted first key separate from the encrypted data packet," as claimed.

Applicants respectfully submit that the combination of Kaufman, Droge and Minborg does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, Applicants respectfully submit that combination of Kaufman, Droge and Minborg does not render obvious the claimed embodiments of the present invention as recited in independent Claims 1, 6, 10 and 29, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit that the combination of Kaufman, Droge and Minborg also does not render obvious the additional claimed features of the present invention as recited in Claim 8 that depends from independent Claim 6, Claim 15 that depends from independent Claim 10, Claim 25 that depends from independent Claim 1, and Claim 34

that depends from independent Claim 29. Therefore, Applicants respectfully submit that Claims 8, 15, 25 and 34 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

#### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-4, 6, 8-11, 15-17, 20, 25-27 and 29-35 overcome the rejections of record, and therefore Applicants respectfully solicits allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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